

From: [Chuck Pillon](#)
To: [Leefers, Kristin](#)
Subject: Fw: EPA assessment and cleanup at your property
Date: Tuesday, October 16, 2018 10:30:08 AM

Hello...

I realize you are caught in the middle here as "the messenger" ...but I trust you can carry my response(s) to the right desk there at EPA too...

The email I sent you yesterday was actually written back on the sixth...I inadvertently left it unsent for the interim several days...I am still uncertain just what EPA intends...so I want to clarify some additional matters...

it was acknowledged at trial that I have long been a collector of American automotive and other mechanical memorabilia...this all resides on my utterly secluded property...and not EPA nor DOE has any basis to seize it...there is a clear 4th Amendment issue against "UNREASONABLE SEIZURE" HERE AND I INTEND TO PROTECT MY LAWFUL PROPERTY BY ALL LAWFULL MEANS...and as I noted the "clean-up" of any stated concerns of EPA or any other agency is done to the 90th degree...remember too that the soil tests Jeff Fowlow did were 2&1/2 years ago and that area has been "cleaned up"...

EPA statement that I cant complete the "clean-up" as a means to deny me the clearly stated first option in EPA policy is absolutely specious...the results speak for themselves...I am nearly done....AND THE REASON...YOU SAY...IS THAT THERE IS SOME RESTRAINT ON MY ACTIONS BY SOME OTHER COURT...failing to recognize that all that is under Appeal and thus in suspense...

further...over the years I have taken proven measures to arrest storm-water damage to the downhill areas from my property...both by intercepting that which flows onto (and damages) my property from uphill properties...and by creating a berm of compost that absorbs much of the rainfall that hits mine...this protects a State High Way,,,a newly restored salmon habitat area in a stream...not to forget the neighbors horse pasture and arena below...AND THERE IS A 1998 EPA PUBLICATION THAT EXTOLS THE VIRTUES OF SUCH MEASURES...BOTH TO ABSORB STORMWATER AND TO DIGEST MANY SOIL-TOXINS...I don't mean to burden you with too much here...but to the degree that you are uninformed about my situation I am going to add to your baseline sense of things here...all of which Jeff is aware of...

1. the actual area of soil testing Jeff did back in 2016 amounted to less that 1000 square feet...compare that to the total land area of 435,000 square feet...do the math...far less that one percent...and now 2&1/2 years ago...yet EPA intends ro come in and begin a major destruction of my homestead???...Jeff has returned occasionally to "observe" the circumstances...always and only at the behest of the WA. AGs office...never at the request of WA. State DOE or any other agency....and upon these visits he has confirmed that OWNER CLEAN-UP" IS THE PREFERRED POSITION OF THE EPA...

2. I have filed a lawsuit against the WA. AG and DOE in addition to the standard appeal in that other action...and you may note that DOE quickly defaulted to EPA in the matter of any further (soil or) water testing...and that is no accident...they don't want to dig a bigger hole for the agency since their own records indicate that I actually improve the water quality here...that action is 18-2-24755-1 KNT...remember too that I have insisted that EPA thus fulfill the DOE commitment to correct thee DOE error in testing before any further such testing be done up here..(DO THAT AND I WILL LEAD THE PARADE FOR ANY AND ALL TESTING EPA MAY WISH TO DO UP HERE)...BUT UNDERSTAND THIS...EXCEPT FOR THE DRAINAGE I AM TALKING ABOUT THERE IS VIRTUALLY NO WATER TO TEST UP HERE BECAUSE MY COMPOST-MEDIUM ABSORBS ALL THE RAINFALL...MAYBE NOW YOU CAN UNDERSTAND MY POSITION...I AM NOT GOING TO LET EPA PIGGYBACK ON ERRONEOUS-DELIBERATEL-SUPPRESSED TEST RESULTS FROM DOE...

So again I propose that EPA suspend its current stated intention to invade my homestead and just run amuck...AND MEET WITH ME TO INTELLIGENTLY ASSESS THE SITUATION AND TAKE A PROPER

COURSE TO DEAL WITH THE VERY MINIMAL "POLLUTION" THAT MAY REMAIN...

Since EPA has taken the position it has...I hope you will take the "Additional Measures" you mentioned in a Court of Law...and soon...I am tired of the continuing harassment...it is affecting my health...

I am further determined to press this matter because I recently heard the Acting Director of EPA...ANDY WHEELER...on local radio acknowledging that cases like this boil up from time to time...AND HIS DETERMINATION TO RESOLVE SUCH CONFLICTS...HERE IS OUR CHANCE!!!

P. S. ...I AM FWDing ALL THIS TO HIM FOR HIS ADVICE...we have a mutual friend...

regards...Chuck Pillon

----- Forwarded Message -----

From: Chuck Pillon (b) (6)
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Sent: Monday, October 15, 2018 01:51:25 PM PDT
Subject: Re: EPA assessment and cleanup at your property

Let's be clear...I don't deny access...in fact I invite EPA interest and more visitation/consultation to settle this business lawfully...if I were feeling contrary here I would state that EPA intends to violate my Fourth Amendment rights to the sanctity of my private property by invading and seizing without a proper Hearing...and by relying on "evidence"... (the DOE admitted erroneous water test data) while ignoring my repeated requests to come and clarify it before taking any adverse actions against my interests...

Kris...you are an attorney...representing the EPA....and I will not believe you don't see the significance here...

But in any event...confirm for me that whatever "other available options" are lawful ones...and consider this a formal FOIA request for all communications EPA has had with the WA. A.Gs. Office or the King County Prosecutor's Office regarding this matter...as well as all EPA intramural communications on the subject as well.

What the EPA should come to understand is that I was not intimidated by the unlawful specious "conditions" of restraint on my clean-up activity out here...I have continued the effort to restore my property...an effort I began well before trial

To that point with respect to the original EPA concerns which are well recorded by Jeff Fowlow...THOSE ARE 90% REMEDIATED BY NOW...and EPA is required to assess this and act accordingly...by continuing to assist and oversee this proper course...well identified in EPA policy documents...and as a clear function of the confirmation Jeff has extended me...in front of witnesses...even as recent as his last July visit...

think too about the statement of Jeff...before and during trial...on the record...THAT THERE IS/WAS NO IMMINENT DANGER ON MY PROPERTY...and that subsequently no action taken by EPA even to take further tests at my invitation...so clearly EPA must have some Court approved authorization to begin the "plunder" you indicate in this recent epistle...THIS IS CLEARLY A FOURTH AMENDMENT PROTECTION OF MINE...

So please...initiate some action in some Court or other...so we can proceed lawfully here...

regards...

On Friday, October 5, 2018 09:49:38 AM PDT, Leefers, Kristin <Leefers.Kristin@epa.gov> wrote:

Mr. Pillon-

EPA interprets your responses in your emails dated October 3 and 4, 2018 as a denial of consent for access. Thank you for your prompt reply to EPA's request for access. EPA is considering other available options and I will contact you in the near future regarding this matter.

Sincerely,

Kris

Kris Leefers

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This transmission may contain confidential and/or privileged material. If you received this message in error, or are not the intended recipient, notify the sender via return email and delete this message.

From: Chuck Pillon (b) (6)
Sent: Thursday, October 04, 2018 6:01 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Subject: Re: EPA assessment and cleanup at your property

Hello again...

As I said before I am preparing a more comprehensive reply to you message here...but I note at the bottom that you state that you "may pursue other methods" to obtain [LEGAL] access to my property. This is very significant. I am all for {LEGAL} action here...and it may be that we can mutually set some process in motion that will provide an opportunity for both sides to STATE THEIR CASE TO A PROPER COURT...and insure that EVERYTHING ABOUT OUR INTERACTION IS [LEGAL]! you are aware that I intend to raise certain issues of Process and Fourth Amendment protections I am sure...so lets talk more about a Hearing on all these matters.

It would suit me if EPA initiates this...but I wont make it too easy for you. I wont sign that "SURRENDER FORM" YOU SENT ALONG AND JUST GIVE EPA OR ANY OTHER AGENCY PERMISSION TO JUST LAND HERE AND PLUNDER MY PLACE. But I have been abundantly clear both in word and deed that I am always here for realistic [LEGAL] interaction to properly settle this whole thing. That must begin with an equitable "assessment" and opportunity for me to contest you proposed measures before implementation. More to come on this point.

I urgently request you answer my question regarding the EPA stand on assuming the DOE commitment to correct their original testing mistakes. You must give your colleagues to understand that that isolated drainage will be the only water available for testing because...just as Tracie Walters of DOE noted...and demonstrated [de facto]...there just isn't any water flow on this land until the heavy rains later in the year when that system floods.

I say EPA cant have it both ways...if you use DOE data to facilitate an intrusion out here...since EPA has no previous test data of your own...you accept the responsibility to correct that data if EPA intends to use it in adversarial manner against my interests.

Finally...I have to say for the record here...EPA effort to use elements of the Court's actions from the earlier State case are unseemly...and I believe actionable. EPA MUST BE AWARE THAT THAT CASE IS ON APPEAL.AND...I REPEAT... ATTEMPTS TO USE ELEMENTS OF IT AS DURESS TO MAKE ME SURRENDER TO EPA DEMANDS IS IMPROPER.

Let us proceed then...responsibly...either find us a Court House...or return to the clean up on the basis that has me cooperating with EPA as we were before.

regards

On Wednesday, October 3, 2018 02:38:29 PM PDT, Leefers, Kristin <Leefers.Kristin@epa.gov> wrote:

Mr. Pillon-

I have received your emails, and your voicemail from last Friday. I am writing to inform you that EPA intends to conduct assessment and cleanup work at the property you own, located at 15753 Renton-Issaquah Road SE, Renton, Washington. The planned work includes: characterization and disposal of hazardous substances, installation of test pits in the landfill area, soil sampling, a survey for asbestos-containing material and removal of asbestos encountered, surface water sampling, installation of groundwater monitoring wells, and sampling of groundwater. EPA plans to start the work the week of November 5, 2018, and continue for approximately 4 weeks. This work will be conducted pursuant to EPA's authority under Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604.

You have stated an interest multiple times in conducting this work yourself, rather than EPA conducting work on your property. EPA intends to conduct this work, as you are under court order that would prohibit you from completing the work. In particular, you "shall not remove from his [sic] property any solid waste or other materials...except via appropriately licensed waste disposal professionals and subject to any applicable waste characterization requirements" and you "shall not bury, relocate, manipulate or otherwise rearrange any solid waste currently on the property." (See Paras. 2 and 4, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-1-05983-6 KNT, dated June 15, 2018.)

The work to be done requires the relocation and rearrangement of solid waste within the property, and disposal of such materials outside of the property. EPA has also noted that the court found you in violation of Paragraphs 2 and 4 of the Additional Conditions of Sentence (see Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018). EPA does not intend to be the impetus for any additional violations by you of those conditions by agreeing to you conducting the assessment and cleanup work on your property. Furthermore, the court ordered that "No further activity on the property are [sic] allowed by defendant." (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018.) Due to this most recent order, you are prohibited by the court from conducting the assessment and cleanup work on your property.

Therefore, EPA is seeking access to your property to conduct the planned assessment and cleanup work. I have attached a consent for access form for your review and signature. I will also note that you are under court order to cooperate with

EPA's assessment and cleanup. Specifically, you "shall cooperate fully with any and all clean-up efforts taking place at the property – such cooperation includes but is not limited to allowing unfettered access to the property for purposes of assessment and site evaluation and characterization, classification/categorization of waste, and removal/destruction of any and all items determined to be a risk or potential risk to the environment." (See Para. 5, Additional Conditions of Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-1-05983-6 KNT, dated June 15, 2018.) Additionally the court ordered, "The state, County and EPA are to have un-fettered access to the site w/o any further legal process." (See Order Modifying Sentence, State of Washington vs. Charles Edwin Pillon, No. 16-01-05983-6 KNT, dated August 17, 2018).

Please review the attached consent form and return it to me at my address listed below no later than October 17, 2018. If you do not return the attached access form with your signature by October 17, 2018, EPA will consider your failure to sign and return the form as a denial of consent for access and may pursue other methods to obtain legal access to your property.

Sincerely,

Kris

Kris Leefers

Assistant Regional Counsel

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